



**Antigua and Barbuda
Stakeholder Report for the United Nations Universal Periodic Review:
The Death Penalty**

Submitted by The Advocates for Human Rights,
a non-governmental organization in special consultative status with ECOSOC since 1996

and

The World Coalition Against the Death Penalty

**for the 53rd Session of the Working Group on the Universal Periodic Review
6 November 2026**

Submitted 10 April 2026

The Advocates for Human Rights (The Advocates) is a volunteer-based non-governmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law. Established in 1983, The Advocates conducts a range of programs to promote human rights in the United States and around the world, including monitoring and fact finding, direct legal representation, education and training, and publications. The Advocates is the primary provider of legal services to low-income asylum seekers in the Upper Midwest region of the United States. In 1991, The Advocates adopted a formal commitment to oppose the death penalty worldwide and organized a death penalty project to provide pro bono assistance on post-conviction appeals, as well as education and advocacy to end capital punishment. The Advocates currently holds a seat on the Steering Committee of the World Coalition Against the Death Penalty. In preparing this report, The Advocates received the invaluable support of an attorney-at-law based in Trinidad and Tobago with extensive expertise in death penalty issues in the Greater Caribbean region.

The World Coalition Against the Death Penalty is a membership-based global network committed to strengthening the international dimension of the fight against the death penalty. Established in 2002, its ultimate objective is to obtain the universal abolition of the death penalty. To achieve its goal, the World Coalition advocates for a definitive end to death sentences and executions in those countries where the death penalty is in force. In some countries, it is seeking to obtain a reduction in the use of capital punishment as a first step towards abolition.

EXECUTIVE SUMMARY

1. Antigua and Barbuda has maintained a *de facto* moratorium on executions since 1991.¹ No person is currently under sentence of death,² and the Prime Minister has stated as recently as March 2025 that he is not in favor of the death penalty. Nonetheless, authorities have declined to undertake any awareness-raising efforts to build support for abolition of the death penalty, and public outcry after high-profile crimes often includes calls for the death penalty. People charged with potentially capital crimes do not receive timely access to counsel. Detention conditions remain crowded and prison authorities fail to maintain adequate hygiene.

I. IMPLEMENTATION OF INTERNATIONAL HUMAN RIGHTS OBLIGATIONS

Acceptance of international norms

Status of Implementation: Not Accepted, Not Implemented

2. In its third-cycle Universal Periodic Review in 2021, Antigua and Barbuda noted 13 recommendations to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights.³ Antigua and Barbuda has taken no steps toward ratification since 2021.

Death penalty

Status of Implementation: Not Accepted, Not Implemented

3. In its third-cycle UPR, Antigua and Barbuda noted all 20 recommendations it received pertaining to abolition of the death penalty.⁴ During the review, the official delegation from Antigua and Barbuda confirmed that the Eastern Caribbean Supreme Court in 2020 had established that the death penalty should apply only to crimes that are “the worst of the worst” and “the rarest of the rare,”⁵ and in its written responses Antigua and Barbuda stated that “[f]or a convicted person to be sentenced to the death penalty, the national court must be satisfied that the murder must rank among the worst of the worst and the rarest of the rare. . . . Given that this test is impossible to satisfy, and given that the prosecution has failed previously to satisfy this test, it is highly unlikely any court will impose death penalty in the future. Hence, in these circumstances, it is unnecessary to abolish it via the national law as a penalty since *de facto* it is not applied.”⁶ In further response to a similar recommendation, Antigua and Barbuda stated: “the last time the prosecution sought the death penalty and did not succeed was in 2011. There is no need for a moratorium if in fact the penalty is not being applied.”⁷
4. Among the death penalty recommendations that Antigua and Barbuda noted were recommendations to “[d]evelop awareness-raising campaigns regarding the absence of dissuasive effects in the application of the death penalty” to “[i]nitiate a process for a State review and discussion on the relevance of the death penalty,” and to “[s]trengthen an awareness-raising campaign on the death penalty and public debates on the subject with a human rights focus, including in parliament, with a view to enabling its formal abolition.”⁸ In its written response, Antigua and Barbuda stated: “[i]t is likely to be costly to run both

anti-death penalty campaigns and national referendums on the issue, given that financing is an issue at this time, owing to the pandemic.”⁹

5. The Constitution of Antigua and Barbuda is the country’s supreme law¹⁰ and expressly contemplates the death penalty. Section 4(1) provides that “No person shall be deprived of his life intentionally, save in execution of the sentence of a court in respect of a crime of treason or murder of which he has been convicted.”¹¹ To amend the Constitution, two-thirds of the members of the House of Representatives¹² and of two-thirds of votes cast in a referendum must support the proposed change.¹³
6. Domestic law authorizes the death penalty for treason¹⁴ and murder,¹⁵ as well as certain military offenses under the Defence Act 2006.¹⁶ The Offences Against the Person Act speaks generally to the offence of murder and does not classify murder by degree.¹⁷ Instead, the death penalty applies broadly to “murder,” an offense that the law does not define.¹⁸ Both the Treason Act 1984 and the Offences Against the Person Act 1873 provide that a person convicted respectively of treason or murder “shall” be sentenced to death. In 2001, however, the Eastern Caribbean Supreme Court in essence struck down mandatory capital punishment.¹⁹ The Court stressed the importance of sentencing authorities considering evidence in mitigation in individual cases, such that the death penalty should be imposed only in exceptionally severe cases.²⁰ In 2008, the High Court of Justice in Antigua and Barbuda applied this ruling in *The Queen v Monelle*.²¹ The death penalty is therefore now discretionary, and courts sentence people to death only for aggravated murder or, presumably, for treason.²²
7. The Defence Act 2006 also authorizes the use of the death penalty in relation to military offenses not resulting in death, such as aiding the enemy,²³ military espionage/communicating with the enemy,²⁴ obstructing operations,²⁵ or mutiny.²⁶ Some of these provisions may be incompatible with the Constitution, which expressly limits the death penalty to treason and murder, as set forth in paragraph 5 above.
8. The Judicial Committee of the Privy Council, the final court of appeal for Antigua and Barbuda,²⁷ has also found that courts should sentence people to death, if at all, only in the most egregious cases.²⁸ As discussed in paragraph 3, Antigua and Barbuda considers itself bound by the Eastern Caribbean Supreme Court’s 2020 jurisprudence limiting the death penalty to “the worst of the worst” and “the rarest of the rare” offenses.
9. Antigua and Barbuda most recently executed a person in 1991. Authorities have held several persons under sentence of death since that time, but in December 2016, authorities released or resentenced six of the remaining persons on death row.²⁹ Prosecutors most recently sought the death penalty in 2011, but the court declined to issue a death sentence.³⁰ No person is currently under sentence of death.³¹
10. On December 17, 2024, the UN General Assembly voted in favor of the biannual resolution calling for a global moratorium on the death penalty, with a record 130 UN Member States supporting the resolution.³² Notably, Antigua and Barbuda voted in favor of the resolution for the first time.³³
11. In March 2025, Prime Minister Gaston Browne stated in a media interview that he was not in favor of the death penalty, despite public pressure after a high-profile murder of a child.³⁴ The woman accused of killing the child will stand trial in May 2026, but it is unclear

whether authorities will seek the death penalty.³⁵ According to news reports, she did not receive legal representation until approximately six months after her arrest.³⁶

Conditions of detention

Status of Implementation: Not Accepted, Not Implemented

12. In its third-cycle UPR, Antigua and Barbuda noted eight recommendations concerning detention conditions.³⁷ In its written response, Antigua and Barbuda accepted that “a new prison is needed. The major problem is getting the funding to do same,” and added that “[m]easures have been taken to significantly improve conditions at pre-trial detention facilities at various police stations.”³⁸
13. As of 2023, detention conditions were “harsh due to overcrowding and outdated infrastructure.”³⁹ His Majesty’s Prison, the sole prison facility in Antigua and Barbuda, has a capacity of 150 prisoners, but as of 2024 it held almost 300 prisoners.⁴⁰ Conditions in the prison crowded and hot, and detained people complain that the facility does not maintain adequate hygiene standards.⁴¹ The court system is slow and people spend prolonged periods in pre-trial detention.⁴²

II. RECOMMENDATIONS

14. This stakeholder report suggests the following recommendations for the Government of Antigua and Barbuda:
 - Abolish the death penalty and replace it with penalties that are fair, proportionate, and consistent with international human rights standards.
 - In the interim:
 - Seek technical assistance to initiate, with the participation of civil society, a comprehensive awareness-raising campaign on the death penalty, including public and parliamentary debates highlighting relevant human rights concerns and misconceptions about deterrence;
 - Amend the Defence Act 2006 to eliminate references to the death penalty that are inconsistent with Section 4(1) of the Constitution;
 - Institute a de jure moratorium on executions;
 - On at least an annual basis, publish data on the number of people charged with capital crimes, the number of death sentences imposed, and the number of people on death row, disaggregated by sex/gender, date of arrest, crime of conviction, date of conviction, relationship to any codefendants or victims, current location, and status of any appeals or requests for mercy; and
 - Ensure that every person charged with murder, treason, or any other potentially capital crime, receives prompt and timely access to qualified legal counsel.

- Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights.
- Continue to vote in favor of the UN General Assembly resolution calling for a global moratorium on the use of the death penalty.
- Prioritize reforms of the criminal legal system to reduce the use and length of pre-trial detention, with a view to alleviating overcrowding in detention.
- Dedicate additional resources to improving hygiene at His Majesty's Prison.

¹ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Antigua and Barbuda*, (June 23, 2016), U.N. Doc. A/HRC/33/13, ¶ 12. It noted that no executions had taken place in Antigua and Barbuda since 1991, which, in practice, had established a moratorium on the death penalty. Also available online at <https://undocs.org/A/HRC/33/13>.

² Amnesty International, *Death sentences and executions in 2024*, (London: Amnesty International, Apr. 2025), 15, 20, available online at <https://www.amnesty.org/en/documents/act50/8976/2025/en/>.

³ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Antigua and Barbuda* (Dec. 20, 2021), UN Doc. A/HRC/49/15, ¶ 88.1 (Cyprus), .7 (Finland), .8 (France), .9 (Germany), .10 (Iceland), .11 (Italy), .15 (Netherlands), .18 (Portugal), .19 (Slovenia), .20 (South Africa), .22 (Spain), .24 (Uruguay), .27 (Australia); Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Antigua and Barbuda: Addendum* (Dec. 16, 2021), UN Doc. A/HRC/49/15/Add.1, 1-2.

⁴ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Antigua and Barbuda* (Dec. 20, 2021), UN Doc. A/HRC/49/15, ¶ 88.1 (Cyprus), .7 (Finland), .8 (France), .9 (Germany), .10 (Iceland), .11 (Italy), .15 (Netherlands), .18 (Portugal), .19 (Slovenia), .20 (South Africa), .22 (Spain), .24 (Uruguay), .27 (Australia), .75 (Spain), .76 (Nepal), .77 (Germany), .78 (Fiji), .79 (Canada), .80 (Estonia), .81 (Mexico); Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Antigua and Barbuda: Addendum* (Dec. 16, 2021), UN Doc. A/HRC/49/15/Add.1, 1-2.

⁵ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Antigua and Barbuda* (Dec. 20, 2021), UN Doc. A/HRC/49/15, ¶ 34.

⁶ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Antigua and Barbuda: Addendum* (Dec. 16, 2021), UN Doc. A/HRC/49/15/Add.1, 1-2.

⁷ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Antigua and Barbuda: Addendum* (Dec. 16, 2021), UN Doc. A/HRC/49/15/Add.1, 2.

⁸ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Antigua and Barbuda* (Dec. 20, 2021), UN Doc. A/HRC/49/15, ¶ 88.24 (Uruguay), 75 (Spain), .78 (Fiji).

⁹ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Antigua and Barbuda: Addendum* (December 16, 2021), UN Doc. A/HRC/49/15/Add.1, 2.

¹⁰ CONSTITUTION OF ANTIGUA AND BARBUDA, section 2. This Constitution is the supreme law of Antigua and Barbuda and, subject to the provisions of this Constitution, if any other laws is inconsistent with this Constitution, this Constitution shall prevail and the other law shall, to the extent of the inconsistency, be void. Also available online at <https://pdba.georgetown.edu/Constitutions/Antigua/antigua-barbuda.html>.

¹¹ CONSTITUTION OF ANTIGUA AND BARBUDA, section 4(1). Also available online at <https://pdba.georgetown.edu/Constitutions/Antigua/antigua-barbuda.html>.

¹² CONSTITUTION OF ANTIGUA AND BARBUDA, section 47(2). A bill to alter this constitution or the Supreme Court Order shall not be regarded as being passed by the House unless on its final reading in the House the bill is supported by the votes of not less than two-thirds of all the members of the House. Also available online at <https://pdba.georgetown.edu/Constitutions/Antigua/antigua-barbuda.html>.

¹³ CONSTITUTION OF ANTIGUA AND BARBUDA, section 47(5). A bill to alter this section, schedule 1 to this constitution or any of the provisions of this Constitution specified in Part I of that schedule or any of the provisions of the Supreme Court Order specified in Part II of that schedule shall not be submitted to the Governor-General for his assent unless- a) there has been an interval of not less than ninety days between the introduction of the bill in the House and the beginning of the proceedings in the House on the second reading of the bill in that House; b) after it has been passed by both Houses of Parliament or, in the case of a bill to which section 55 of this Constitution applies, after its rejection by the Senate for the second time; and c) the bill has been approved on a referendum, held in accordance with such provisions as may be made in that behalf by Parliament, by not less than two-thirds of all the votes validly cast on that referendum. Also available online at <https://pdba.georgetown.edu/Constitutions/Antigua/antigua-barbuda.html>.

¹⁴ THE TREASON ACT 1984, section 7. Everyone who commits high treason is guilty of an offence triable on indictment and on conviction shall be sentenced to death. Also available online at <https://www.global-regulation.com/law/antigua-and-barbuda/2936284/treason-act.html>.

¹⁵ THE OFFENCES AGAINST THE PERSON ACT 1873, section 2. Whosoever is convicted of murder shall suffer death as a felon. Also available online at <https://www.global-regulation.com/law/antigua-and-barbuda/2935766/offences-against-the-person-act.html>.

¹⁶ THE DEFENCE ACT 2006. Available online at <https://www.global-regulation.com/law/antigua-and-barbuda/2935069/defence-act%252c-2006.html>.

¹⁷ See Offences against the Person Act, Section 2 (“Whosoever is convicted of murder shall suffer death as a felon.”), <https://laws.gov.ag/wp-content/uploads/2018/08/cap-300.pdf>.

¹⁸ Ibid.

¹⁹ *Spence & Hughes v The Queen*, Criminal Appeals Nos. 20 of 1998 and 14 of 1997 (ESCS Court of Appeal, St Vincent and the Grenadines), (Apr. 2, 2001). Also available online at <https://www.eccourts.org/newton-spence-v-the-queen-and-peter-hughes-v-the-queen/>.

²⁰ *Spence & Hughes v The Queen*, Criminal Appeals Nos. 20 of 1998 and 14 of 1997 (ESCS Court of Appeal, St Vincent and the Grenadines), (Apr. 2, 2001). ¶ 54. A procedure which provides for no opportunity to offer personal mitigation before imposing a mandatory death penalty is, not reasonable, not just and not fair and is therefore inconsistent with section 2(1) of the Constitution. Also available online at <https://www.eccourts.org/newton-spence-v-the-queen-and-peter-hughes-v-the-queen/>.

²¹ *The Queen v Monelle*, Criminal Case No. 0015/2007 (ECSC High Court of Justice, Antigua and Barbuda), (Sep. 18, 2008). Also available online at http://www.worldcourts.com/ecsc/eng/decisions/2008.09.18_Queen_v_Monelle.pdf.

²² Cornell Center on the Death Penalty Worldwide Database, “Antigua and Barbuda,” accessed Mar. 30, 2026, <https://deathpenaltyworldwide.org/database/>.

²³ THE DEFENCE ACT 2006, section 37. Available online at <http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/75265/87561/F1568778991/ATG75265.pdf>.

²⁴ THE DEFENCE ACT 2006, section 38. Available online at <http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/75265/87561/F1568778991/ATG75265.pdf>.

²⁵ THE DEFENCE ACT 2006, section 44. Available online at <http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/75265/87561/F1568778991/ATG75265.pdf>.

²⁶ THE DEFENCE ACT 2006, section 45. Available online at <http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/75265/87561/F1568778991/ATG75265.pdf>.

²⁷ The University of the West Indies, “Commonwealth Caribbean Court Systems: Privy Council,” accessed Dec. 15, 2024, <https://libguides.uwi.edu/Court-Systems/Privy-Council>.

²⁸ *Trimingham v The Queen*, Appeal No. 67 of 2007 (JCPC) (June 22, 2009). ¶ 23. ... It was undeniably a bad case, even a very bad case, of murder committed for gain. But in their judgment it falls short of being among the

worst of the worst, such as to call for the ultimate penalty of capital punishment. The appellant behaved in a revolting fashion, but this case is not comparable with the worst cases of sadistic killings. Their Lordships would also point out that the object of keeping the appellant out of society entirely, which the judge considered necessary, can be achieved without executing him. Also available online at [https://www.bailii.org/cgi-bin/format.cgi?doc=/uk/cases/UKPC/2009/25.html&query=\(trimmingham\)+AND+\(v\)+AND+\(queen\)](https://www.bailii.org/cgi-bin/format.cgi?doc=/uk/cases/UKPC/2009/25.html&query=(trimmingham)+AND+(v)+AND+(queen)).

²⁹ The Death Penalty Project, *Antigua Empties Death Row*, (Dec. 1, 2016). Available online at <https://deathpenaltyproject.org/antigua-empties-death-row/>.

³⁰ *Views on Conclusions and/or Recommendations, Voluntary Commitments and Replies Presented by the State Under Review*, Antigua and Barbuda, United Nations Human Rights Council, Forty-Ninth Session (Dec. 16, 2021). Also available online at: <https://documents.un.org/doc/undoc/gen/g21/378/67/pdf/g2137867.pdf>.

³¹ Cornell Center on the Death Penalty Worldwide Database, “Antigua and Barbuda,” accessed Mar. 30, 2026, <https://deathpenaltyworldwide.org/database/>.

³² World Coalition Against the Death Penalty, *Two thirds of the United Nations General Assembly vote in favor of the 10th resolution for a moratorium on the death penalty*, Dec. 20, 2024, <https://worldcoalition.org/2024/12/20/two-thirds-of-the-united-nations-general-assembly-vote-in-favor-of-the-10th-resolution-for-a-moratorium-on-the-death-penalty/>.

³³ *Ibid.*

³⁴ *PM Browne not in favor of death penalty*, Antigua.news, Mar. 16, 2025, <https://antigua.news/2025/03/16/pm-browne-not-in-favor-of-death-penalty/>.

³⁵ *DPP Presents Dozens of Exhibits as Case Against Angela Mejia Heads to The High Court*, ABS, Mar. 24, 2026, <https://abstvradio.com/dpp-presents-dozens-of-exhibits-as-case-against-angela-mejia-heads-to-the-high-court/>; *Mejia Murder Case Committed to May Assizes as Evidence List Filed*, Antigua News Room, Mar. 23, 2026, <https://antiguanewsroom.com/mejia-murder-case-committed-to-may-assizes-as-evidence-list-filed/>.

³⁶ Latrishka Thomas, *Murder suspect Angela Mejia secures legal representation*, Antigua Observer, Sep. 18, 2025, <https://antiguaobserver.com/murder-suspect-angela-mejia-secures-legal-representation/>.

³⁷ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Antigua and Barbuda* (Dec. 20, 2021), UN Doc. A/HRC/49/15, ¶ 88.90 (Denmark), ¶ 88.89 (France), ¶ 88.88 (Germany), ¶ 88.87 (Ireland), ¶ 88.86 (Italy), ¶ 88.85 (Ukraine), ¶ 88.84 (Canada), ¶ 88.83 (Portugal).

³⁸ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Antigua and Barbuda: Addendum* (Dec. 16, 2021), UN Doc. A/HRC/49/15/Add.1, at 4.

³⁹ Confidential Source, 2023, on file with The Advocates for Human Rights.

⁴⁰ Confidential Source, 2020, on file with The Advocates for Human Rights.

⁴¹ Confidential Source, 2020, on file with The Advocates for Human Rights.

⁴² Standard of Living Index, “Antigua and Barbuda – 67.70”, accessed Mar. 29, 2026, <https://www.standardoflivingindex.org/antigua-and-barbuda>.